REMARKS

I. Introduction

The Office Action dated June 28, 2004, has been carefully reviewed and the foregoing amendment has been made in response thereto. Claims 1-10 are pending in the application.

II. Rejection of Claims 1, 2, and 4-10 under 35 USC §102(b)

Claims 1, 2, and 4-10 stand rejected under 35 USC §102(b) as being anticipated by Figure 2 of Christianson et al. (U.S. Patent No. 6,152,172). Applicant respectfully traverses this rejection in light of the following arguments.

Applicant's invention, as recited in claim 1, is directed to a monitored fluid control valve comprising a valve body having an elongated bore, a movable valve element slidably received in said bore, and a switch assembly having an aperture aligned with the bore. The switch assembly includes an electrical switch (claim1, line 5) having a switch arm operatively connected to switch contacts for driving the switch contacts between an open state and a closed state. The switch arm is mechanically linked (claim 1, line 7) to the movable valve element through the aperture (claim 1, line 8) so that the switch arm is directly driven to match linear reciprocation of the movable valve element. Because the switch arm is positively driven in each direction of movement by the valve element, impact forces within the switch are greatly minimized thereby extending the useful lifetime of the switch (see, e.g., page 6, lines 21-29 of the specification).

MPEP §706.02 states that an invention is anticipated by a prior art reference under 35 USC §102(b) only if the prior art reference teaches every aspect of the claimed invention. Furthermore, in *Paperless Accounting, Inc. v. Bay Area Rapid Transit Sys.*, 804 F.2d 659, 665 (Fed. Cir 1986), the Federal Circuit stated that "[A] §102(b) reference must sufficiently described the claimed invention to have place the public in possession of it." In addition, Judge Learned Hand noted that for prior art to be anticipatory, the prior art must "bear within its four corners adequate directions for the practice of the patent invented. If the [prior art] offers no more than a starting point for further experiments...it is not an anticipation," Dewey & Almy Chem. v. Mimex, 124 F.2d 986, 990 (2d Cir. 1942).

Christianson et al. fails to disclose the switch assembly as recited in claim 1. In Christianson et al., a magnet 74 is variably positioned with respect to a Hall effect sensor 76 by movement of spool 42 (see Figure 2 and column 3, lines 45-56). As described at pages 1 and 2 of the present specification, magnetic sensors are disadvantageous in that they result in a relatively high cost associated with a valve monitoring system. These higher costs are associated not only with the increased cost of the magnetic sensor, but also with the electronic interface circuitry required for a magnetic sensor.

Christianson et al. lacks a switch arm mechanically linked to a movable valve element at all, much less being mechanically linked through an aperture in a switch assembly. Nothing in Christianson et al. suggests a directly driven switch arm which matches linear reciprocation of a movable valve element. For at least the preceding reasons, Christianson et al. does not teach each and every aspect of Applicant's invention as required by MPEP §706.02, *Paperless Accounting*, and *Dewey & Almy Chemical*. Therefore, claim 1 is allowable over the cited reference.

Claims 2 and 4-10 recite additional features which are all lacking from the disclosure of Christianson et al. Thus, claims 2 and 4-10 are likewise allowable.

III. Rejection of Claim 3 under 35 USC 102(b)

Claim 3 stands rejected under 35 USC §102(b) as being anticipated by Garnjost et al. (U.S. Patent No. 4,338,965). This rejection is respectfully traversed in light of the following arguments.

Like Christianson et al., Garnjost et al. lacks any disclosure of the switch assembly and switch arm having the recited configuration. Garnjost et al employs a differential position sensing mechanism to sense the relative positions of two valve spools (see, e.g., Figure 4 and column 4, line 60 to column 5, line 55). Differential spool motion causes a member 43 to pivot and thereby actuate a roller 66 and arm 71 to operate a switch 72 (column 5, lines 4-16). Switch 72 is a self-contained switching unit and is subject to impact forces due to the indirect actuating mechanisms. Garnjost et al. further lacks any disclosure of the secondary piston and piston rod contained in an aperture aligned with the valve bore and disposed between a pilot valve and the movable valve element.

Claim 3 recites an angled slot in the piston rod (shown in Figure 6 as slot 95 in piston rod 91). Inasmuch as Garnjost et al. lacks a piston rod as claimed, the feature of an angled slot in a piston rod is neither shown nor suggested. Clearly, Garnjost et al. does not teach every aspect of Applicant's invention as required to sustain a rejection under 35 U.S.C. § 102(b). Thus, claim 3 is allowable.

IV. Conclusion

In view of the foregoing amendment and remarks, claims 1-10 are in condition for allowance. Favorable action is respectfully solicited.

Respectfully submitted,

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